Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

Claim 1 has been canceled. Claims 2-10 have been amended to overcome the formal objections.

Claim 2 has been limited to the range of 30% to 150%. This clearly distinguishes over US 6,743,388 where as correctly pointed out by the examiner the minimum stretch is 2:1, which is 200%, much more than the top of the range of claim 2. The smaller range is now in dependent claim 11.

New claim 12 now recites the relaxation of 3% to 5% as originally recited on page 5, line 12 of the translation.

The above-cited amendments overcome the rejection on US 6,743,388 of Strichan. More particularly, the recitation of the degree of expansion to 125%, sets the maximum expansion well below the limit of 2.1 (200%) of Strichan.

Claim 2 also recites that the expanded screen should again expand, whereby (See claim 1 and page 2, line 6 of WO 2004/028581) a complete resetting is meant by pressure relief and expansion, whereby at the most the negligible remaining expansion

from 3% to 5% (new claim 12) is tolerable (See line 1 on page 4 of WO 2004/028581).

According to US 6,743,388, column 4, lines 23 to 26, the degree of porosity enlargement is determined by the expansion ratio. However, with a dilation or expansion of up to 2000% (expansion ratio 20:1), a resetting to the original size is no longer possible, i.e., that the expansion of the material is essentially irreversible.

Furthermore, of greater significance with respect to the present invention is that, by means of the expansion and subsequent pressure release (reset), an improvement of the E-modulus of the vascular prostheses or fabric patches should be reached. However, this is only possible of the expansion ratio is limited.

It should only be indicated that preferably a biaxial expansion (elongation) is carried out, which in claim 4 is described as an alternative. Such an alternative is not mentioned at all in Strichan so this is also a difference in this respect. Strichan also does not mention that the vascular prostheses that have undergone an elongation and subsequently a pressure release should have a microporous fine fibrillar structure. In the description of WO 2004/028581, page 2, line 15 of the German patent DE 28 08 030 C2 refers to this (which at least corresponds in some aspects with the English patent GB 2015118 A).

Thus claim 2 is clearly allowable over Strichan under §102 and §103.

Going further, claim 3 of the present application recites how the pore size of the vascular prostheses or the fabric patches was before the elongation so that a smaller anticipatory, non-resettable expansion ratio would be achieved. This must be read in connection with the non-resettable expansion ratio already mentioned. In other words, with the manufacturing of the vascular prosthesis, the first non-resettable expansion ratio was considered, i.e. the prosthesis formed 3% to 5% smaller, so that after expansion and resetting, the desire size would be achieved. With smaller expansion ratios in which a complete resetting is achieved, such a measure is not required. By contrast, in Strichan a volume enlargement is obviously striven for (with uniaxial expansion in one direction), which results in an irreversible uniaxial pore enlargement.

With regard to claim 4, it has already been noted that Strichan simply discloses a uniaxial elongation. Biaxial elongation is neither mentioned in the said opposition nor implied.

With respect to claim 5, the examiner cites column 1, lines 53 to 56, from which there is nothing more to conclude except that for transdermal patches, polymers as well as ultra high molecular weight polyethylene (UHMWPE) are used. An indication of the treatment in a water-soluble physiological substance such as polyvinyl alcohol or polyvinyl pyrolidone or gelatin is not mentioned. For the allegation of the examiner, who deals with

customary technology, there is consequently no proof. A rejection needs to be based on something concrete, not mere opinion.

With respect to claims 6 to 9, the examiner admits that the claimed steps are not mentioned in Strichan. However, it seems that the conclusion has been drawn that it concerns a generally known technology, unfit to reject these claims, even though such a technology may have been suitable for elongation at the time.

Claim 10 relates to a procedure for manufacturing a vascular prosthesis or a fabric patch using polyurethane, which is known to be a completely different material than polyethylene, which is used in Strichan. In this respect, the rejection is unsupported.

For these reasons all the claims in the case are clearly in condition for allowance. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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Enclosure:
None.